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Administrator

EPA Announces Grants For Local Air Monitoring.

Inside EPA (12/14) reports, "EPA Dec. 13 announced the availability of \$20 million in competitive grants to provide communities with local air monitoring from Congress' COVID-19 rescue funding, part of the agency's broader effort to deliver greater environmental justice (EJ) to areas historically overburdened by pollution. 'This funding will support communities that need better information about air quality in their neighborhoods and reflects EPA's commitment to deliver environmental justice for our most vulnerable populations,' said EPA Administrator Michael Regan in a statement."

EPA Has Infrastructure Law Implementation Webpage.

National Association of Counties (12/14, Pugh) reports the EPA launched the EPA IJA (Infrastructure, Investment and Jobs Act) implementation webpage Nov. 30. The page features an "interactive breakdown tool for over \$50 billion investment in the agency's programs." EPA Administrator

Michael Regan said, "The President's Bipartisan Infrastructure Deal makes historic investments in tackling climate change, protecting public health, creating jobs in communities across the country, and delivering a more equitable future."

Environmental Groups File Notice Of Suit Over Methane Measurement Methods.

Inside Climate News (12/15, Bruggers) reports the Environmental Integrity Project, Chesapeake Climate Action Network and the Sierra Club sent a 10-page notice of intent to sue the EPA to Administrator Michael Regan last week. The groups claim the EPA allows landfills to use outdated methods to measure methane emissions that underestimate emissions by at least 25%.

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Budget/Recovery Act

IRS Compiles List Of 101 Chemicals For Superfund Excise Tax.

Bloomberg BNA (12/14, Hood) reports guidance issued Tuesday by the IRS lists chemicals, including BPA, to be subject to an excise tax to discourage their use in consumer goods. There are 101 chemicals on the list, which is the revival of the Superfund list that expired in 1995. The IRS is required to compile the list under the Bipartisan Infrastructure Law.

Environmentalists Highlight Build Back Better's Climate Savings In Response To Debt Concerns.

In an effort "to overcome opposition to" President Biden's Build Back Better legislation, Bloomberg (12/14) reports environmental groups and Democratic strategists are "arguing its climate provisions would reduce flooding, extreme heat and the intensity of storms, outweighing concerns about the measure's impact on inflation." Collin O'Mara, head of the National Wildlife Federation, said, "The fiscal case for all these investments is incredibly compelling, and we're hoping that helps carry the day and that we get to 50 votes in the Senate." The effort comes amid "the debt and deficit concerns of Senator Joe Manchin [D-WV], whose support is critical for enactment."

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Climate Change

Challengers To EPA GHG Regulation Authority Present Opening Briefs In Supreme Court.

E&E Publishing (12/14, Farah, Clark) reports Republican states and coal companies challenging the EPA's authority to take a "systemwide approach" to regulating power plant emissions "laid out their opening arguments" in the consolidated case of West Virginia v. EPA on Monday. In addition to plaintiffs West Virginia, North Dakota, Westmoreland Mining Holdings LLC and North American Coal Corp., the National Mining Association and Basin Electric Power Cooperative filed amicus briefs.

Inside EPA (12/14) also reports.

Legislation Introduced To Prevent Retroactive Reduction Of 2020 Biofuel RVO.

Bloomberg BNA (12/14, Chipman) reports Sens. Amy Klobuchar (D-MN) and Chuck Grassley (R-IA) have introduced legislation to prevent the Biden Administration from retroactively reducing 2020 Renewable Volume Obligation biofuel levels or from doing so in the future. The bill is unlikely to pass.

FarmProgress (12/14, Fatka) reports companion legislation was introduced in the House. Grassley said, "Time and time again, renewable fuels have shown to be key in cutting both greenhouse gas emissions and costs at the pump. Yet, past and present administrations have overlooked the value of the RFS, creating uncertainty for Iowa farmers and producers."

North Dakota Clean Sustainable Energy Authority Recommends Funding Six Projects.

The Bismarck (ND) Tribune (12/14, Sisk) reports North Dakota's Clean Sustainable Energy Authority "recommended the state award a combined \$28 million in grants and \$135 million in loans to six applicants." The Industrial Commission, chaired by Gov. Doug Burgum, has the final say on what projects receive funding. The recommended proposal include establishing a hydrogen hub, a plant to convert natural gas into liquid fuels, creating a carbon capture system, a carbon capture and storage project, sourcing lithium and other products from saltwater produced in oil fields, and mobile devices to capture natural gas that would be flared.

Report Says California Not Cutting Emissions Fast Enough To Meet 2030 Deadline.

The Sacramento (CA) Bee (12/14, Sheeler) reports "California is not cutting greenhouse gas emissions fast enough to meet a 2030 deadline for reductions, according to a new report" from the nonprofit Next 10. The 2021 California Green Innovation Index, prepared by Beacon Economics, "reveals that California reduced its greenhouse gas emissions by 1.6% from 2018 to 2019. Between 2017 and 2019, the state averaged a greenhouse gas emission decrease of 1.3% per year, far below what is needed to meet California's greenhouse gas emission reduction goals for 2030 and 2050."

EDF Says Permian Methane Emissions Show Need For Multiple Inspections.

Inside EPA (12/14) reports, "The Environmental Defense Fund (EDF) is touting new aerial survey data of methane emissions in the Permian Basin to bolster its argument that EPA's proposed oil and gas methane rules need to be strengthened to require multiple inspections of smaller oil and gas sites. The pitch comes with EPA extending the deadline to comment on its plan by about two weeks, until Jan. 31."

Editorial/Op Ed/ Commentary/Letters

Analyst: RVO Proposal Provides Clarity, Allays RIN Concerns.

In a **Bloomberg** (12/14) Intelligence video, analyst Brett Gibbs says the EPA's recent RVO proposals provide "long-awaited clarity" for 2020 and 2021 and "a business-as-usual approach for 2022 and beyond." The lower requirements for 2020 and 2021, combined with renewable diesel capacity coming online in the next two years "should ease fears" of running out of renewable fuel credits (RINs).

Opinion: Public, Businesses Have Reasons To Support Clean Air.

In an op-ed in the **Charleston (WV) Gazette-Mail** (12/14), Kenny Parker, co-owner of Water Stone Outdoors in Fayetteville, WV says, "To continue to grow our local and national outdoor recreation industry, it is important to keep our skies clear and air clean." The EPA's "proposed rules to cut methane and other harmful pollutants from new and existing oil and gas operations...do not go far enough." Businesses "like ours depend on a healthy environment, but strong methane rules also benefit public health generally." We "urge you all to speak up and tell the EPA that you want the strongest safeguards possible, to cut methane pollution now."

Exxon Activist Charlie Penner On The Energy Transition's False Narratives.

The **Financial Times** (12/14, Brower, McCormick, Chu) reports, "Lots of news to start: The World Bank is 'missing in action' on climate change, say critics. And the stand-off over Nord Stream 2 deepened..."

Willis: Five Canadian Energy Companies Join Oil Sands Pathways To Net Zero Alliance.

In commentary for the **Globe and Mail (CAN)** (12/14, Willis), Andrew Willis says that in June, five of Canada's largest energy companies "launched an alliance called the Oil Sands Pathways to Net Zero." The group "is investing in innovations such as carbon capture and bitumen processing technology to achieve net-zero greenhouse gas emissions from their properties by 2050." Canadian Natural Resources, Suncor Energy, Cenovus Energy, Imperial Oil, and MEG Energy joined initially, and ConocoPhillips joined in November. The **Globe and Mail** adds that "notable by their absence from this list are a handful of global energy companies with long-standing ties to the oil sands as minority partners in projects run by Pathways alliance members." As of now, "Chevron, Europe's Total, BP, Shell, and China's CNOOC and Sinopec are out of the club." Willis says the decision to snub the partnership "is the latest sign of what's long been expected in the energy sector – an Alberta exit by the majority of foreign investors in the oil sands."

Energy Issues

Summit Midstream Pipeline Leaks Produced Water Near Williston, ND.

The Bismarck (ND) Tribune (12/14, Sisk) reports North Dakota Department of Environmental Quality (DEQ) Spill Investigation Program Manager Bill Suess said Tuesday that the DEQ and Summit Midstream Partners are monitoring Blacktail Creek for signs of produced water spilled from one of Summit's pipelines near Williston. Suess said none of the produced water had been detected as of Tuesday morning. Summit "notified the state of the spill on Dec. 5 and estimated its volume at 10 barrels or 420 gallons." The company "offered a revised figure to the state on Monday of 176 barrels or about 7,400 gallons based on calculations from its pipeline leak detection system." Summit told state officials that the spill was the result of an equipment failure. The AP (12/14) provides additional coverage.

Battery Giant LG Energy, Recycling Firm Strike Supply Deal.

Bloomberg (12/14, Yue Li) reports LG Chem and its battery unit LG Energy Solution "struck a deal with recycling firm Li-Cycle Holdings Corp. as surging demand for key raw materials pushes consumers to expand their supply chains." The South Korean EV-battery maker "agreed to buy 20,000 metric tons of battery-grade nickel from Li-Cycle over 10 years starting in 2023 as part of a deal that includes a \$50 million investment in the Canadian firm, the companies said Tuesday in a statement."

Shell To Acquire Solar, Battery Storage Company Savion.

The Houston Chronicle (12/14, Takahashi) reports that Shell is preparing "acquire solar and battery storage company Savion, expanding its renewable energy footprint in the U.S. as oil giants face mounting pressure to change their business models and address climate change." Shell new Energies on Tuesday announced plans to purchase Savion from Macquarie's Green Investment Group, with the acquisition "expected to close by the end of the year." Shell Integrated Gas, Renewables, and Energy Solutions Director Wael Sawan said, "Savion's significant asset pipeline, highly experienced team, and proven success as a renewable energy project developer make it a compelling fit for Shell's growing integrated power business. As one of the fastest-growing, lowest-cost renewable energy sources, solar power is a critical element of our renewables portfolio as we accelerate our drive to net zero." S&P Global Platts (12/14) reports the acquisition "is part of Shell's strategy to develop an integrated power business en route to achieving its net-zero goals," which includes scaling up its "low-carbon business by the early 2030s on the back of Shell's upstream revenues and returns." Reuters (12/14) reports the value of the deal has not been disclosed, but Shell "said the acquisition adds on to its previous investment in U.S. solar power operator Silicon Ranch, with Savion's more than 18 gigawatts of solar power and battery storage under development for many customers."

Energy Department To Consider Methane Leaks, Carbon Emissions In Judging Hydrogen Production As Clean.

Argus Media (12/14, Knight) reports the Energy Department "is tasked with spending \$1.9bn/yr over the next five fiscal years to kick-start a 'clean hydrogen economy,'" and Energy Secretary Granholm "told industry officials today that controlling methane leaks across the supply chain was a key part of qualifying as clean hydrogen." She said, "When we say clean, we are talking about zero carbon."

Granholm added, "That means if it is natural gas, if it is steam methane reforming, we have to make sure that both CO₂ is captured, as well as methane leaks are addressed."

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Environmental Justice

EPA Civil Rights Office To Take On New, Bigger Role.

E&E Publishing (12/14, Brugger, Northey) reports planned changes at the EPA Office of Civil Rights may represent a significant shift in the agency's policy. Among the planned changes are the introduction of guidance on the nondiscriminatory use of EPA grants, followed by the institution of a compliance review, and finally the issuance of guidance "that clarifies existing law on how to address civil rights in the permitting context."

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Enforcement

EPA Wants State To Make Air Cleanup Plan For New Orleans-Area Coke Plant.

The AP (12/14) reports the EPA says a calcinated coke plant in Chalmette, LA owned by Rain CII Carbon LLC of Stamford, CT has not cleaned up its excess sulphur dioxide emissions. The emissions were noted in 2013 and the company was given a 2018 deadline for cleanup. Sen. Bill Cassidy (R-LA) and the Louisiana Department of Environmental Quality "convinced" the EPA to delay a new cleanup plan in 2019. Now the EPA is proposing that the state DEQ submit a cleanup plan within a year.

Former Monsanto Companies To Pay EPA \$700,000, Continue Cleanup At Sauget, IL Sites.

MarketWatch (12/14, Chin) reports Solutia Inc. and Pharmacia LLC, as successors to Monsanto Co., agreed to pay \$700,000 to the EPA as reimbursement for cleanup of four former landfills and waste lagoons in Sauget, IL. The companies will also complete cleanup at the 270-acre site, which is estimated to cost \$17.9 million. The sites contain contaminant such as lead, cadmium, benzene, and chlorobenzene.

KWMU-FM St. Louis (12/14) also reports.

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HQ Amplification

Mary Greene Returns To EPA As Air Enforcement Director.

Inside EPA (12/14) reports, "EPA has tapped a former EPA regional lawyer and environmentalist to lead its air enforcement division after its former acting director, the 'primary architect' of the agency's \$17 billion settlement with Volkswagen over its emissions cheating scandal, left for a position at Ford Motor Company. Mary Greene, a former EPA assistant regional counsel who most recently worked for the Environmental Integrity Project (EIP), has been tapped as the new air enforcement division director within the Office of Enforcement & Compliance."

Groups Urge EPA To Examine Possible Improper Chemical Assessments.

Bloomberg BNA (12/15, Lee, Rizzuto) reports a coalition of environmental groups has sent a letter to the EPA saying the agency should take another look at chemical assessments that may have been done improperly. The groups' concern was triggered by a series of whistleblowing articles in The Intercept.

EPA IG Releases Plans For Upcoming Audits.

E&E Publishing (12/14, Bogardus) reports the EPA OIG has 67 audits planned, 42 of which will be carried out in FY2022, according to a plan released Tuesday. The plan aligns with the office's "management challenges" report released in November. Planned audits will touch on "benzene fence-line monitoring at refineries, the agency's oversight of drinking water at prisons, and whether EPA distributed funds from the Covid-19 relief package to address 'disproportionate environmental or public health harms and risks' in communities of color and low income."

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Rules/Regulations/Policy

EPA Regulatory Agenda Shows Missed Deadlines.

Bloomberg BNA (12/14, Rizzuto) reports the EPA's regulatory agenda was issued Dec. 10 and foresaw the agency missing at least five of 10 deadlines set by the 2016 Toxic Substances Control Act (TSCA) amendments. The agenda did not contain a timeline to comply with the 2017 appropriations bill requirement to redefine housing that qualifies for protection under lead-based paint regulations, leading to criticism for leaving children unprotected.

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Water

Environmentalists Point To Case Study To Show Need For CWA Tanks Rule.

Inside EPA (12/14) reports, "Environmentalists are pointing to a new case study on the lack of regulation of aboveground chemical storage tanks in Virginia to renew calls for EPA to develop a comprehensive spill prevention rule under the Clean Water Act (CWA) for the storage of hazardous substances, urging the agency to reverse a Trump-era decision that such a rule is unnecessary."

Federal Grant Covers Overdue Benton Harbor Water Bills.

MLive (MI) (12/14, Ellison) reports the federal Low-Income Household Water Assistance Program has covered 237 overdue water bills in Benton Harbor, worth more than \$150,000. The program was created to help families struggling due to the pandemic. The program covers arrears and reconnection fees and ensures that water service will remain connected for 90 days.

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ESG

PwC Says Investments In Climate Technologies Grew To \$87.5 Billion During Year Leading Up To June 30.

CNBC (12/14, Shead) reports investment "in companies developing technology to try to combat the climate crisis grew to \$87.5 billion in the year leading up to Jun. 30, according to new research from PwC published Wednesday." That's up "210% on the \$24.8 billion that was invested in climate tech in the same period the year before, the financial services firm said in its PwC 'State of Climate Tech 2021' report, adding that 14 cents of every venture capital dollar now goes to climate tech." But investors "aren't necessarily backing the right climate tech companies, according to PwC." The firm said the majority of climate investments have gone to mobility and transportation companies despite other technologies that have greater emissions reduction potential. PwC said these technologies include wind power, solar power, green hydrogen, food waste technology, and alternative foods.

Study Finds Biggest US Banks And Asset Managers Financed Two Billion Tons Of Carbon Emissions.

Bloomberg (12/14, Quinson) reports, "A study authored by the Sierra Club and the Center for American Progress shows that eight of the biggest U.S. banks and 10 of its largest asset managers combined to finance an estimated 2 billion tons of carbon dioxide emissions, based on year-end disclosures from 2020, or about 1% less than what Russia produced." The authors of the report "are urging the Biden administration to take immediate steps to slash the financial sector's role in global warming, lest it trigger a financial crisis that dwarfs that of 2008."

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Limetree Bay Refinery

EPA Favors West Indies Petroleum Refinery Reopening Strategy Over St. Croix Energy.

The Virgin Islands Consortium (VIR) (12/14, Gilbert) reports the EPA said it preferred West Indies Petroleum's strategy for reopening Limetree Bay Refinery on Dec. 6 when the refinery asked Southern District in Houston Chief Bankruptcy Judge David Jones to reopen the auction. The Jamaican-based bidder specializes in bunker services and oil storage and will offer \$30 million in cash for the refinery and seek a prevention of significant deterioration permit to restart it. That would mean taking another year to reopen the refinery.

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Southside Recycling

Podcast: Activists Talk About Southside Recycling, Biden Administration EJ Policies.

The Washington Post (12/14) features Chicago activists Chuck Stark, Yesenia Chavez, and Óscar Sánchez, who oppose the opening of Southside Recycling on its Post Reports podcast. The activists talk about their struggle and "what the outcome might reveal about the lengths the Biden administration is willing to go to protect communities of color that disproportionately bear the cost of pollution" in the 27-minute production.

Activists Express Determination As They Protest To Prevent Southside Recycling Opening.

The Columbia (IL) Chronicle (12/14, Pucarelli) reports on the activists protesting in front of "what they believed to be Chicago Department of Public Health commissioner Dr. Allison Arwady's home in Lincoln Park" on Friday evening. Olga Bautista, Oscar Sanchez, Chuck Stark and others were interviewed.

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